

REMARKS/ARGUMENTS

I. Rejections Under 35 U.S.C. § 103(a)

Applicant would like to thank the Examiner for her consideration of this case and of Applicant's proposed claim amendments during the telephone interview on June 30, 2010. In the Interview, the Examiner indicated that Applicant's proposed claim amendments, in which Claim 1 now incorporated the limitations of Claims 8, 9 and 10, would overcome the 35 U.S.C. § 103(a) rejection of Claims 1, 3-6 and 9 over USPN 5,802,894 ("Jahrsetz") in view of USPN 6,435,573 ("Szablewski"). However, the Examiner stated that the 35 U.S.C. § 103(a) rejection of Claims 1, and 3-10 over WO 03/018939 ("Nass") in view of Jahrsetz would still stand.

The Examiner suggested that if the Claims included limitations drawn to the operation of the device as schematically shown in FIG. 5, the present invention would be further and better defined in the direction of allowance. Thus, the Applicant has amended Claim 1 to include the proposed claim amendments discussed at the telephone interview (incorporating the limitations of Claims 8, 9 and 10), as well as further limitations relating to the schematic functional flow over time of the operating lever 3 and the sensor 10 as shown in FIG. 5. Applicant has further added a new independent Claim 11 to further clarify the above-mentioned functional flow shown in FIG. 5, as well as new dependent claims 12-16 corresponding to presently pending dependent claims 3-7. The newly added limitations are fully supported in the originally filed specification at paragraphs [0036] – [0039] and [0029] – [0033]. No new matter has been added.

Applicant respectfully, again, asserts that the present invention, as recited in the amended and newly added claims, patentably distinguish over any combination of the Nass and Szablewski. Applicant would like to point out that:

- As stated before, Nass clearly shows a spiral spring (12) between the drive and the release/operating lever (3). Thus, Nass requires an *interconnected power storage device (12) between the drive (5, 6, 7, 8) and the release lever (3)* such that the drive (5, 6, 7, 8) interacts indirectly with the release lever (3). As shown for example in FIG. 4 of Nass, when turning counter-clockwise, the cam (9) *interacts directly with the lever element (18')* to store energy into the power storage device (12). The cam (9) interacts indirectly with the release lever (3), rather than directly causing the reciprocating motion of the release lever (3). In the present invention, the electric motor directly drives the drive disk and the cam, which then acts solely through contact of the cam with the operating lever to open the locking mechanism. In the present invention, no such intermediate energy storage device is needed for a reliable opening.
- Nass has no reverse driving by the motor. In Nass, the motor interacts indirectly with the release/operating lever (3) through a spiral spring (12). The spiral spring (12) – *not the motor* – provides a reverse driving in Nass. In contrast, the present invention uses a simple, cost effective arrangement for the reliable opening of the locking mechanism.

Essentially *through each actuation (forward) and then reverse rotations caused by the electric motor*, the present invention accomplishes all of the following results:

- 1 a pivotal engagement by the operating lever of the pawl, as signaled by the second sensor;
- 2 the pawl releasing a catch and opening the locking mechanism to an opening position, and the opening position being maintained until the locking mechanism has been reliably opened, as signaled by the first sensor;
- 3 the opening position being set and maintained regardless of any driving from the electric motor (*the electric motor could even be turned off at this point*),
- 4 the driving of the drive disk then continuing in the actuation direction until stopped by the element limiting the angle of rotation cooperating with the stationary stop;
- 5 based on signaling from the second sensor and the stopping of the rotation, the control unit controlling the electric motor to turn in the reverse direction;
- 6 a resulting further motion of the operating lever releasing the pawl, as signaled by the second sensor; and
- 7 the driving of the drive disk continuing in the reverse direction until stopped by the element limiting the angle of rotation cooperating with the stationary stop and the operating lever being held in a pawl-released position. Then, the released pawl can easily engage with the catch, again, during a subsequent closing of the vehicle door, as an example.

None of the cited references, alone or in combination, show or suggest the above-stated features of the present invention, all of which result essentially from the simple driving of the drive disk in first the actuation, and then the reverse directions. Thus, the reconsideration and withdrawal of the claim rejections is respectfully requested.

II. Claim Objections

Regarding the objections to Claim 1, Applicant has amended “one operating lever” to recite “an operating lever” and inserted the phrase “of the drive disk”, according to the Examiner’s suggestions.

III. Rejections Under 35 U.S.C. § 112, Second Paragraph

Regarding the Examiner’s Claim Rejections of Claims 1 and 3-10 under 35 U.S.C. § 112, second paragraph, Applicant would like to respectfully request their reconsideration and withdrawal, in view of the following amendments and clarifications:

- Regarding Claim 1, Applicant has clarified that claim by deleting the description of “for the locking mechanism” regarding the operating lever. The task of the operating lever is to cooperate with the some of the other elements as recited further on in the claim and as described above, to open the locking mechanism and then release the pawl, allowing it to return to an original position upon the subsequent closing of the vehicle door.
- Also for Claim 1, Applicant has corrected the claim to delete the wording “and reverse directions” relating to the motor drive opening the locking mechanism, since the opening occurs essentially during the actuation direction and not during the reverse direction.
- Regarding Claim 3, Applicant has deleted the phrase “preferably” to more distinctly claim the present invention.
- Regarding Claim 9, Applicant respectfully points out that the operating lever of the present invention has an actuating arm (3b) that holds a part of the pawl and fully releases it only when the electric motor turns in a **reverse** direction, as is commonly practiced in the art.

IV. Conclusion

For all of the above-stated reasons, the newly amended Claim 1 and added Claim 11 patentably distinguish over any combination of the cited references. Claims 3-7 and 12-16 ultimately depend from and include all of the subject matter of Claims 1 and 11, respectively, which have been shown to be allowable. Accordingly Claims 3-7 and 12-16 are also allowable over the cited references. Having fully addressed the Examiner's rejection of all of the presently pending Claims 1, 3-7 and 11-16, Applicant respectfully requests that the amendments be entered and a Notice of Allowance be issued.

Should there be any questions or other matters of which resolution may be advanced by a telephone call, the Examiner is cordially invited to contact the Applicant's undersigned attorney at the number listed below. All correspondence should be directed to our below listed address.

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Respectfully submitted,

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